

BETTY MINORU KAWACHI

JUNE 26, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. WALTER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 915]

The Committee on the Judiciary, to whom was referred the bill (S. 915) for the relief of Betty Minoru Kawachi, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide for the admission into the United States of a minor Japanese child who is the daughter of a native-born United States citizen. The child would be considered to be a nonquota immigrant, which is the status normally enjoyed by alien minor children of United States citizens.

GENERAL INFORMATION

The beneficiary of the bill is a 9-year-old native and citizen of Japan presently residing in Japan with her grandmother. The child's mother is a native-born citizen of the United States who married a Japanese citizen in 1942 in Japan. Following a divorce in 1947, custody of the child was given to the mother who was married in 1949 to James J. Leatherman, also a native-born citizen of the United States.

A letter dated March 29, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

MARCH 29, 1951.

Hon. PAT McCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 915) for the relief of Betty Minoru Kawachi, an alien.

The bill would provide that notwithstanding the provisions of section 13 (c) of the Immigration Act of 1924, as amended, relating to the admission of aliens ineligible to citizenship, Betty Minoru Kawachi shall be considered to be the natural-born alien child of her stepfather, James J. Leatherman, a native-born citizen of the United States.

The files of the Immigration and Naturalization Service of this Department disclose that the alien child is a native and citizen of Japan of the Japanese race, who was born in Kyoto, Japan, on February 17, 1942. She presently resides with her maternal grandmother in Kyoto. Her mother and stepfather, Mr. and Mrs. James J. Leatherman, reside in Norfolk, Va., and they desire to bring her to this country. Mr. Leatherman stated that he intends to adopt her legally.

Mrs. Leatherman, who is also of the Japanese race, was issued a United States passport at Yokohama, Japan, in the name of Claudette Momoe Kawachi, on December 2, 1948. According to this passport she was born in Hawaii in 1923. Mrs. Leatherman stated that in 1937 she went to Japan, and in 1942 was married to a Japanese citizen. Two children were born of this marriage in Japan and when the marriage was terminated by divorce in 1947, custody of the boy was given to the father, and custody of the beneficiary of this bill was awarded to the mother, who resumed her maiden name. Mrs. Leatherman claims the marriage was planned by her mother against her will. On January 3, 1949, she entered into her present marriage at Lewiston, Idaho. Mr. Leatherman was born in Oklahoma in 1922. The record indicates that he was married twice before and that both marriages terminated in divorce, the first in New Mexico in 1945 and the second in Oklahoma, in 1948. Mr. and Mrs. Leatherman have a United States citizen daughter, born to them in Wichita, Kans. on August 2, 1949.

The files further reflect that Mr. Leatherman is on active duty with the United States Navy at the Naval Air Station in Norfolk. He had prior service with the Navy from January 24, 1941, until April 5, 1946. From August 1946 until December 1948, he was employed by the United States Army in Japan.

The alien child, being of the Japanese race, is ineligible to citizenship under section 303 of the Nationality Act of 1940 and is, therefore, inadmissible to the United States for permanent residence under section 13 (c) of the Immigration Act of 1924. Since her mother, who is a United States citizen, did not have the requisite 5 years' residence in the United States after attaining the age of 16 years prior to the child's birth, the latter did not derive citizenship through her. Therefore, in the absence of general or special legislation she may not be admitted to the United States for permanent residence.

Whether in this case the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation. If, however, the measure should receive favorable consideration by the committee, it is suggested that it be amended by deleting all after the enacting clause and substituting the following: "That, in the administration of the immigration laws, the provisions of section 13 (c) of the Immigration Act of 1924, as amended, shall not apply to Betty Minoru Kawachi, and for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, she shall be held and considered to be the natural-born alien child of her stepfather, James J. Leatherman, a native-born citizen of the United States."

Yours sincerely,

PEYTON FORD, Deputy Attorney General.

Inasmuch as the beneficiary of the bill is the minor child of Mrs. James J. Leatherman, who is a citizen of the United States, the bill has been amended by the Committee on the Judiciary of the Senate to merely waive the racial bar to admission into the United States. It is not necessary that the child be considered to be the natural-born-alien child of its step-father.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 915) should be enacted.

